



Federal Communications Commission
Washington, D.C. 20554

Docket 96-19

OCT 14 1998

EX PARTE OR LATE FILED

IN REPLY REFER TO:
9806942

The Honorable Mary Bono
U.S. House of Representatives
324 Cannon House Office Building
Washington, D.C. 20515

RECEIVED

OCT 15 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Congresswoman Bono:

This is in response to your letter on behalf of your constituent, Elizabeth J. Coombs, regarding the Commission's implementation of Section 255 of the Communications Act (Section 255), added by the Telecommunications Act of 1996. Section 255 requires that telecommunications equipment manufacturers and service providers must ensure that their equipment and services are accessible to persons with disabilities, to the extent that it is readily achievable to do so. In adopting Section 255, Congress gave the Commission two specific responsibilities, to exercise exclusive jurisdiction with respect to any complaint filed under Section 255, and to coordinate with the Architectural and Transportation Barriers Compliance Board (Access Board) in developing guidelines for the accessibility of telecommunications equipment and customer premises equipment.

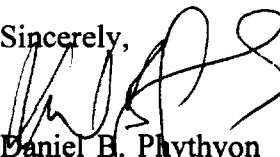
The Commission adopted a Notice of Inquiry in September 1996, initiating WT Docket 96-198 and seeking public comment on a range of general issues central to the Commission's implementation of Section 255. The Commission also adopted a Notice of Proposed Rule Making (NPRM) in April 1998, which sought public comment on a proposed framework for that implementation. The NPRM examined the Commission's legal authority to establish rules implementing Section 255, including the relationship between the Commission's authority under Section 255 and the guidelines established by the Access Board in February 1998. The NPRM further solicited comment on the interpretation of specific statutory terms that are used in Section 255, including certain aspects of the term "readily achievable," and the scope of the term "telecommunications services." In addition, the NPRM sought comment on proposals to implement and enforce the requirement that telecommunications equipment and services be made accessible to the extent readily achievable. The centerpiece of these proposals was a "fast-track" process designed to resolve many accessibility problems informally, providing consumers with quick solutions.

It is important to note that the Commission has not issued a final decision regarding any of the proposals suggested in the NPRM. The record in this proceeding closed on August 14, 1998, and the Commission staff is currently reviewing public comments.

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Since the passage of Section 255, the Commission has worked closely with the Access Board and with various commenters to design an implementation framework that best reflects the intent of Congress in adopting Section 255. The comments of your constituent will be included as an informal comment in the record of WT Docket 96-198, and carefully considered, along with the many other comments, before final action is taken on this critically important matter. I appreciate your constituent's input as a way of establishing as thorough and representative a record as possible on which to base final rules implementing Section 255.

Sincerely,

A handwritten signature in black ink, appearing to read "D. B. Phythyon", written over the printed name.

Daniel B. Phythyon
Chief, Wireless Telecommunications Bureau

HOUSE OF REPRESENTATIVES, U.S.
WASHINGTON, D.C.

..... SEP 03 1998 19.

WTB
Handicap
cell-sep

1042

The attached communication is submitted for your consideration, and to ask that the request made therein be complied with, if possible.

If you will advise me of your action in this matter and have the letter returned to me with your reply, I will appreciate it.

Very Truly yours,

May Bon
M.C.

M.C.

CA-44

District.

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IMMIGRATION AND CLAIMS
NATIONAL SECURITY
SUBCOMMITTEE:
MILITARY PERSONNEL
SALTON SEA TASK FORCE
CHAIRMAN
ENTERTAINMENT TASK FORCE



Mary Bono
Congress of the United States
44th District, California

September 1, 1998

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(909) 658-2312
FAX: (909) 652-2582

Mrs. Elizabeth Coombs
4133 W. Wilson Street #72
Banning, CA 92220-1318

Dear Mrs. Coombs:

Thank you for contacting me regarding your concerns over the Access Board guidelines. Your letter is being forwarded to Mr. Kennard, Chairman of the Federal Communications Commission. I appreciate hearing from you.

It is important that the citizens of our 44th congressional district keep me apprised of their views so that I can better represent you in Washington. As your Congresswoman, I am always concerned that all of citizens can participate in our society without cumbersome hindrances.

Although I do not sit on the House Committee on the Commerce that has direct oversight and jurisdiction over the agency, rest assured that I will keep your views in mind when this issue comes before Congress. Any response from the FCC will be sent to you immediately.

Again thank you for taking the time to contact me. Please feel free to write me on other matters of mutual concern.

Sincerely,

MARY BONO
Member of Congress

MB/cjk

SHHH

Self Help for Hard of Hearing People

RESPECTFULLY REFERRED
NOT ACKNOWLEDGED

4133 West Wilson St. Sp. 72
Banning, Ca. 92220-1318
June 12, 1998
(909) 849-4036

LM
The Honorable Jerry Lewis
40th District Representative
Rayburn Building, Suite 2300
Washington, D.C. 20515
Fax: (202) 225-6498

Dear Representative Lewis,

I would like to urge you to talk to Mr. William E. Kennard, Chairman of the FCC regarding the Access Board guidelines. Congress gave the Access Board authority for developing guidelines and indicated that the FCC guidelines must be consistent with those. Urge that the FCC adopt the Access Board guidelines for both manufacturers and services providers. Definitive wording to that effect is needed to ensure that manufacturers and providers clearly understand their access responsibilities and obligations in their design of new equipment.

The term "readily achievable" seems in danger of being replaced by the term "cost recovery". I can assure you there is no "recovery", cost or otherwise, for someone who has lost their hearing. I would be a much more confident driver than I am if I had a cell phone that is hearing aid compatible that I could use to call for help in an emergency.

I can no longer hear anyone speaking to me on the phone even though the volume control is turned on "high". My family and most of my friends are hearing and they are all reluctant to use the relay system which is so helpful to me. I have asked the Access Board to allow phones to have raised decibel levels so that I can hear on the phone.

Sincerely,

Elizabeth J. Coombs
Elizabeth J. Coombs